

DMH/CAE/kmb
July 5, 2001



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PATENT APPLICATION
Docket No. 0054.1087-005
(Formerly BU94-15A2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Barbara A. Gilchrest, Mina Yaar and Mark Eller

Application No.: 09/018,194 Group Art Unit: 1647

Filed: February 4, 1998 Examiner: S. Wegert

For: Methods of Inducing Hair Growth and Coloration

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231	
on <u>7/5/01</u>	<u>K. Bastarache</u>
Date	Signature
Kathleen M. Bastarache	
Typed or printed name of person signing certificate	

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Restriction Requirement dated June 5, 2001, the claims of Group II (Claims 6-10) drawn to methods of inducing hair growth, are elected for prosecution. Applicant reserves the right to file a continuing application or take such other appropriate action as deemed necessary to protect the non-elected inventions. Applicant does not hereby abandon or waive any rights in the non-elected inventions. A Preliminary Amendment is being filed concurrently.

The requirement is being traversed for the reasons set forth in detail below.

For the claims of groups I, V and VI, the step of the method is the same -- that is, inhibiting apoptosis in epidermal melanocytes, and more specifically, contacting epidermal melanocytes with a substance, in an amount sufficient to inhibit cell loss, which binds to p75 nerve growth factor receptor expressed on the surface of the melanocytes. For each group of claims, the cell type to be acted on is the same -- that is, epidermal melanocytes. Further, the

effects sought in the methods as stated in the preambles of Claims 1, 20 and 25 are very closely related. With the same step in the method, the same target cell, and very closely related effects sought, separate prior art searches would not be required for the claims of groups I, V and VI.

Similarly, for the claims of groups II and VIII, the step of the method is the same -- that is, inhibiting apoptosis in epidermal keratinocytes, and more specifically, contacting epidermal keratinocytes with a substance, in an amount sufficient to inhibit cell loss, which binds to p75 nerve growth factor receptor expressed on the surface of the keratinocytes. For each group of claims, the cell type to be acted on is the same -- that is, epidermal keratinocytes. Further, the effects sought in the methods as stated in the preambles of Claims 6, 33, 45 and 49 are very closely related. With the same step in the method, the same target cell, and very closely related effects sought, separate prior art searches would not be required for the claims of groups II and VIII.

For the claims of groups III and IV, the step of the method is the same -- that is, inhibiting apoptosis in epidermal melanocytes, and more specifically, contacting epidermal melanocytes with a substance, in an amount sufficient to inhibit cell loss, which binds to p75 nerve growth factor receptor expressed on the surface of the melanocytes. For both groups of claims, the cell type to be acted on is the same -- that is, epidermal melanocytes. The effects sought in the methods -- inducing hair color and maintaining hair color -- are closely related. With the same step, the same target cell, and very closely related objectives, separate prior art searches would not be required for the claims of groups III and IV.

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Applicants respectfully request that the Examiner reconsider the grouping of the claims as presented in the Office Action of June 5, 2001. Applicants propose that groups I, V and VI be combined, groups II and VIII be combined, and groups III and IV be combined to form the following groups of claims:

<u>New Group</u>	<u>Old Groups</u>
I	I + V + VI
II	II + VIII
III	III + IV
IV	VII

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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